

TOWN OF SOUTHTON  
ZONING BOARD OF APPEALS  
TUESDAY, JUNE 9, 2009

Chairman Joseph LaPorte called the Public Hearing and Regular meeting of the Southington Zoning Board of Appeals to order at 7:00 o'clock, p.m. in the Council Chambers of the Southington Town Hall with the following members in attendance:

Paul Bedard, Edward Kuklinski, Patricia Potter and Robert Salka

Others: Frank Vinci, Zoning Enforcement Officer

Absent: Robert Sherman, Alternate  
Michael Milo, Alternate  
Joseph LaRosa, Alternate  
Ronald Bohigian, Alternate

A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

Mr. Salka explained to the audience the procedure to be followed in the presentation of an appeal. He advised that should their appeal be approved, they file it with the Town Clerk's Office before proceeding with the project.

JOSEPH LAPORTE, Chairman, presiding:

Public Hearing Items:

A. Appeal 5709A, application of Guri Redzepi for a variance to expand an existing non-conforming use (former Jimmy's Drive-In Restaurant) in excess of 25% with the addition of a 30 x 60 foot (1800 sq.ft.) pavilion under Section 11-029.1 & 15-04 of the Zoning Regulations, 1244 Meriden Avenue, property of Natra Properties, LLC in an R-0/25 zone.

MR. VINCI: Will the applicant or the applicant's representative please come forward and state their name and address for the record.

ATTORNEY LOU MARTOCCIO: Good evening ladies and gentlemen of the board. For the record, Louis Martoccio on behalf of Mr. Redzepi who is present here as well.

As was just discussed, the purpose of being here today is for 1244 Meriden Avenue and the request today, as I put some boards up, we're here today seeking a variance to permit Mr. Redzepi to build a covered structure for patrons at the restaurant that he is hoping or planning on opening very soon.

Mr. Redzepi plans to open sort of, for lack of a better term, sort of a hybrid version of Jimmy's Drive In. His goal is to make it nostalgic going back to the drive in type diners where you might come in and get a hamburger or hot dog, perhaps some fish and chips, or even an ice cream cone with your family after a baseball game.

For those of you who have been inside the building, I think many of you have, it's a fairly limited way location by way of space. To accomplish this goal, Mr. Redzepi would ideally need to use the outer portion, the outside aspect of the property.

Now luckily this board or perhaps members of the board that were previously on had in fact passed and given a variance to allow the owners at the property to use the exterior portion of the property to be used for eating, sitting and perhaps gathering. I do have a copy of the original approval that goes back some time. If I may approach, Mr. Chairman, you could pass it around from there.

I think that if each of you review that previously approved plan, and compare it to the plans that are being submitted now, you'll note that there is one striking resemblance. And, that is that there isn't any change whatsoever to the footprint.

The only change that I am requesting this board to consider is the aesthetics. Again, if one were to look --- I took the liberty of highlighting the area, which there are, I believe, eight or nine picnic tables. Again, if you were to take the same highlighted area which I've already done my diagram here, the footprint itself would stay the exact same.

As the property is right now, there are a series of old and decrepit picnic tables. Regardless of whether they're replaced, they'd be replaced to what amounts to some very large tents or covers, umbrellas, what have you, that would keep the patrons from either sitting in the direct sunlight or rain or foul weather and things like that.

That's how it has been since this board and the town itself permitted that area to be used as an eating or again gathering area.

Our objective, as I said to you, is not to change the character or the location. The only goal is to make it more aesthetically pleasing. Now I think by doing that, we accomplish several goals.

The first one, is it makes it economically viable and I realize that doesn't pose as a legitimate hardship on behalf of my client, that being whether it's economical or not, is not for you folks to decide upon and I'm aware of that.

But I also think that from an aesthetic perspective and from the perspective of allowing the property to be used as I think it as intended, to allow patrons to sit outside, this structure would accomplish that. As I think I see all of you looking at it and I think you'll see and if I may point out, on the far right, the building itself will be open. It will remain open. There'll be no screens, no doors, nothing at all other than what amounts to a roof.

What I've also taken the liberty of doing is showing some very similar ones that are in this town. And, I don't think I need to point out where they are. I'm sure most of you know that we've got Hawks Landing, we've got Southington Country Club, um, and I don't recall where this is. Is this Hawks here? Yah, Hawks here. I apologize.

That is sort of what we plan on doing if this board were so inclined to grant this variance. The only difference being is I think it would become even more aesthetically pleasing. I think if you were to compare the diagram that Sev has drafted and sort of envision the location where it is now, which are these three here.

These three (indicating) are the Jimmie's Drive In. Again, I don't know if each of you can see that, but these are the ones that have been previously installed or approved. The purpose I show that is not to say well, see, you've done it before but to show you that or give you an overview as far as what ideally we're looking to do. Something very similar to that. Very wide, very open, very airy arena that patrons can come in and sit, talk, gather and be shielded from the elements whether it be sun, rain, weather, whatever the case may be.

This is how it sits right now. These photos by the way were taken within the last couple of days. But this is essentially how it is now. So as I mentioned to you and I don't mean to keep being repetitive, the only request we're making is simply to make it more aesthetically pleasing, make it more functional for the purpose of Mr. Redzepe's business, but also and I don't want to down play the safety element.

If any of you have been there, I think you know that the eating area is not necessarily or not clearly defined from or separated with

anything other than a broken curb from the parking lot area. What I have found, living less than a block from that area and having been there numerous times in the past, I have found that at any given time there are children or people running or playing at or near the parking lot.

By having a walkway which this plan provides for, having a covered walkway, and also having the covered area, there's a clearly defined walking, sitting and eating area which will ideally keep most of the patrons that are planning on going there to eat and not eat inside from the parking lot, the parking area and therefore reducing the additional traffic.

A couple of other things that I wanted to point out that I think will also help and again not necessarily by way of hardship but I think we've got the safety aspect, we've got the covered aspect for the patrons, I think we've got the, I hope you'll agree, at least the spirit of the previous approval. That being the approval of the picnic tables, the designated eating area which would remain the same.

But we also have what I believe to be an awful lot of other improvements that will be made by granting this. The most obvious one being the curb cut. There is, if one were to look on the northern side heading down Meriden Avenue, there is a series of curb cuts and one in a large gravel area. That would be of course corrected. That would be closed.

There is an additional five or six parking areas that would be used as to the curb cut and the opening. And, there is a large garbage container, actually two garbage containers, that I've lived in town for eight years and they've been there for the eight years that I've been there in one form or another. These would be moved and covered so that they, and again along the same aesthetic genre as the out structure itself, thereby making it more aesthetically pleasing to drivers going by. And, I realize that is not the board's job to determine what is good looking or bad looking for the town but it certainly should be a factor for purpose of what we're talking about. Maybe not for the approval.

There would also be a fence that would be run, ideally that would be run along the back, more of a decorative fence again to keep patrons away from the drive in area but also dress the area up.

That's really the gist of the plans themselves. As I said to you without putting any of the other ones down, it's my believe having seen this come to fruition from start to finish, that not only if you were to grant it is it going to be similar to these but I think it's going to be much more practical and much more useful.

Unlike these, by the way, we're not seeking any kind of utilities. There'll be no water inside. There'll be none of that at all. It's simply going to be a covered structure to allow patrons to sit, play, gather eat, whatever the case may be.

(Pause)

One other thing I was going to bring up and I didn't tonight and I neglected to do so and that is that if you're so inclined to grant this, my client would be certainly willing to enter a written stipulation to insure that this would not be expanded or broadened down the road. And, what I mean by that is if it were to be granted, it could be granted with a condition that it never be a closed structure. Even semi-closed structure. There would be no disputing that and I would offer this to the board that we would be willing to enter into a binding agreement upfront so it would not have to be addressed by your board indicating that for so long as that structure shall remain, it will remain wide open.

I think that covers most of what I wanted to say. Now there are some other technical aspects that you may be interested in or may have questions of me with regard to the amount of square footage that this is going to take up, the amount of free space and anything like that. I'd be happy to answer whatever I can and what I can't I certainly have a member from Kratzert, Jones here that can certainly help out with that.

THE CHAIR: I want to just make a comment. Jimmie's Drive In has been there tens of years. Just about forever, okay? And, it's a quaint eating place. And, it sits itself right in a residential, 95 percent I think 95 percent or better is residential, okay?

Now what you're asking us to do is --- I'm going to look at it more like a commercial structure you're putting up because of the size of it. Its 1800 square feet?

ATTORNEY MARTOCCIO: Certainly. And, my only -

THE CHAIR: Frank, can you make some comments here?

MR. VINCI: Well, thank you, Mr. Chairman. I was planning on behalf of the planning staff to speak in opposition to this application. I can do that now and Attorney Martocchio can address those concerns.

First of all, I'd like to pass out a partial copy of the site plan that Mr. Martocchio already passed out. I highlighted the original footprint of the building there.

(Pause)

(Undertone comment to Attorney Martoccio.)

As you can see where I highlighted, the original building is only 540 square feet. Back in 1988, then owner James Bokus came in, and applied for a variance for an expansion of a non-conforming use in excess of 25 percent. Basically, it was 720 percent which comes out to about 133 percent expansion.

A year later, he came back and approached this board for another expansion of 43 percent for adding a level within the building for storage.

So this property has already enjoyed two large variances for expansion.

The new building is 1800 sf and it's more than twice --- well, it's larger than the existing building as it is now and more than three times larger than the original building back in 1988.

Planning staff is very much opposed to this. They think that this property has enjoyed expansion over the years even beyond what is reasonable. And, to add another 1800 square feet would go against good zoning practice.

As far as those other pavilions that were noted here, those are part of golf courses and those are accessory to the main use. This is the main use here. This is a non-conforming business. Golf courses are allowed in residential zones. And, the pavilions at the golf courses are accessory uses.

Restaurants are not allowed in residential zones. So this is a totally non-conforming property and we feel that the expansion is excessive. We don't really feel that there's any hardship that would justify that much of an expansion.

ATTORNEY MARTOCCIO: I certainly introduce these photos --- first and foremost, they're not all golf courses. And, Frank knows that. We've spoken in the past about that. But that's beside the point.

The purpose of the photos wasn't sort of a quid pro quo as in to tie your hands and say, you've approved these, now approve mine. It was to give you an illustration of what I think - to show you that this is not something new, this is not some new novel idea. This is quite common. Whether it was a golf course, a mobile home or a senior center. I think the purpose of it was still the same. And, that is to show that this is not a new concept. Quite the opposite.

I certainly understand with regard to Frank and that this is a residential area and we certainly wouldn't want to impact that aspect of it.

The only retort I have is twofold. First and foremost, the structure itself isn't changing the footprint. If you're looking at the diagram that was approved and then Mr. Vinci already passed out again highlighted, as well as the plans that were submitted in preparation for this hearing, the only difference that I can --- the only major difference that I can tell you is instead of seeing picnic tables, you see a roof.

We're not asking or are we changing. In fact the fence that remains behind that property will remain the same. The overall layout, the overall eating area will remain the same. The difference is there is a roof over it.

As I said to you before, I can understand the importance and necessity of not having an impact upon a residential area. In light of the fact, as I said earlier, I live a matter of blocks from this and I drive by there several times a day.

If I may approach, I don't know how much bearing this has on perhaps any of your decisions, but this is a layout of the wetlands in that area. I took the liberty of highlighting it in green. I don't know if I needed to go before the ZBA, but I apologize.

I think what you'll see is if you were so inclined to grant this application, it would have absolutely no effect on the ability for the folks in the area to build, expand, use, move, grow, whatever. Because looking, I believe it's north, that's all wetlands. It's unbuildable and can't be used, anyways. So the brunt of where this proposed structure would be would not have any impact other than aesthetically on the neighborhood or the neighboring properties.

And, I would suggest and it's with all due respect, Chairman, I think that again being a neighbor and going by it all the time, I would much rather see what appears to be a very aesthetically pleasing building than a series of mishmash picnic tables with a series of Coca Cola or Sprite or Hi-C umbrellas spread throughout.

I've been a patron there. I live there. I've used it. I've been by it probably thousands of times. It certainly is not an eyesore but I wouldn't call it a very nice area by any means. It has nothing to do with maintaining. It is a fact that it is aesthetically quite frankly ugly to have these series of tables and the area around it.

Now I know that the previous owner has made some attempts and some effort to try and shield or hide the tables. There's an obvious reason for that. They're ugly. But that said, this would address all of that.

It would also address the safety concern. I think. As I said to you, there is a clearly designated and lineated walking area from the building directly to the walking area.

Now my final point and I anticipated this very topic coming up. My client is not in any way married to that size. That was the ideal size. I think it seems to be, it certainly seems to fit appropriately. It seems to accomplish all the goals that I have identified here today. But by no means is that something a take it or leave it proposal that we would ever even imply in this situation.

If, for example, Mr. Chairman, you were not necessarily opposed to the concept but opposed to the size, then I'm certain that we could come back as I said and reduce it down in size to perhaps make it more appealing or more less intrusive if that's the term that I could put in in your words. Even though I do believe that this building would be the lesser of the two evils compared to picnic tables and shrubs.

THE CHAIR: Well, you know, it's - I could go by there and see the tables and that could look good to me, other people. And, other people don't like it.

ATTORNEY MARTOCCIO: Of course.

THE CHAIR: To me, it's quaint looking when you've got the tables. You know, I never thought a picnic area looks lousy. It's up to the owner to maintain it. That's what it is all about.

ATTORNEY MARTOCCIO: No doubt. And, in the building itself, it serves that purpose, to make it look quaint. To make it look like an old fashioned drive in. Now I think it does exactly that but does it in a much more modern and quite frankly, I think and the I think the majority of people would agree, aesthetically pleasing. I mean, to look at a building with a stone front and large (inaudible) as you can see on the right here compared to a bunch of rotted wooden picnic tables, I don't now, with overgrown or perhaps ill planted shrubs, are apples and ashtrays.

THE CHAIR: But it still goes back to the owner who owns the establishment how they keep it.

ATTORNEY MARTOCCIO: That's true.

THE CHAIR: They might keep it A-1, you know?

ATTORNEY MARTOCCIO: I still would be -

THE CHAIR: I'm getting to that point that everybody doesn't see it probably like I do or you do.

ATTORNEY MARTOCCIO: And, I agree with you. And, I'm not in any way arguing with you in that regard.

The only response I have is no matter how we work it, we're still stuck with the same thing and that is eight picnic tables. And, so no matter how much magic we make it, it's still eight picnic tables sitting along a fence in front of a gravel driveway. There's not a whole lot that I can think of and I don't claim to be an interior decorator or exterior decorator, I don't know there is a whole lot someone can do to dress that up.

You're 100 percent correct. You could cut down the shrubs that were, I presume, planted there to hide the ugly tables. I presume that you could rebuild or reinstall some sort of curbing mechanism so that the cars and people aren't walking in the same or parking in the same area. There's a whole lot of things that could be done. But at the end of the day, it's still picnic tables with an umbrella versus a structure with a roof.

THE CHAIR: Any questions?

MS.POTTER: Are we talking just the pavilion, just the structure. It's no enclosed. It's just for picnic tables. It's just -

ATTORNEY MARTOCCIO: Exactly right.

MS. POTTER: --- stakes with a roof. I just want to make sure I understand this because they're making me sound like it's a building.

ATTORNEY MARTOCCIO: Not at all.

MS. POTTER: It's just going to be -

THE CHAIR: It's a structure.

MS. POTTER: I'm saying, they said you went back and you built up and you built down, but you touched the additional building.

All you are trying to do is put a pavilion off to the side?

ATTORNEY MARTOCCIO: There's tables there now.

MS. POTTER: You are not touching the additional, the original structure at all.

ATTORNEY MARTOCCIO: In any way at all. All we're seeking to do is cover the tables and do it in the most, the least intrusive and most economical but practical matter. And, the way to do that, I think, is to build this, again this out structure, whatever you want to use it.

MS.POTTER: Oh, no, I think it really is an eyesore right now. I mean, I go by it all the time and it's an eyesore.

ATTORNEY MARTOCCIO: And, it has been for ten years.

MS.POTTER: And, I tell you, I wouldn't want to go sit and eat at the tables the way it is now. I understand that, too.

Also, I like the way they're going to fence in the garbage. Off to the side. I think that's very nice. I think what they are trying to do is wonderful.

But like I said, I mean, the base of this would be cement?

ATTORNEY MARTOCCIO: The base would be cement. And, then it would be, I believe, a cedar, if I may approach. I have the diagram.

The base itself would be a cement. You would have architectural shingles to look almost like a Cape Cod look. Again, the old time drive in style. We would have planned a very small stone as opposed to putting wood, to make a stone wall.

MS.POTTER: Is that optional, right?

ATTORNEY MARTOCCIO: Exactly.

MS. POTTER: That's what I read.

ATTORNEY MARTOCCIO: Right there in the front. It would just be something to dress it up. What is holding it up is a series of I-beams and nothing more.

As I said to you, even though I don't, my client has no intention of ever putting walls or screens or anything else up and if that were a concern, we'd enter a stipulation right now -

MS.POTTER: Oh, yah. We can stipulate different things. Like I said, like I said, I didn't see where the zoning board was coming from or the zoning people because technically it's not a structure off of the building.

MR. VINCI: If I may?

MS. POTTER: Please?

MR. VINCI: It is a building. Per our zoning regulations, it is a building and it has, it's a structure that has a roof cover for protection or shelter of animals, people, blah, blah, blah. It is a building.

MS. POTTER: Is it a building because it has a cement flooring?

MR. VINCI: It's a building because -

MS. POTTER: Just the roof makes it a building.

MR. VINCI: The roof makes it a building, yes. It's a structure. It's covered.

It also requires location on the ground. So it's a building. Now you are expanding buildings on this nonconforming property. It definitely is a building.

MS. POTTER: But as far as traffic goes, isn't there a golf course right behind, close by and a church in that area? I mean, so it's not like it'd be outstanding making all this noise and everything on the road?

MR. VINCI: Oh, there are those.

MS. POTTER: But that's what I'm saying.

MR. VINCI: But those are allowed in residential zone.

MS. POTTER: So I'm just saying, like I said, its nonconforming, I mean, just, you know.

ATTORNEY MARTOCCIO: If I might add, it's a building in a pure technical sense.

MS.POTTER: Yah.

ATTORNEY MARTOCCIO: There is no doubt Mr. Vinci is 100 percent correct.

MS. POTTER: No walls, just a roof. I understand what they're saying. It's an out building or whatever. I understand that, too.

But I just wanted to make sure I understood what I was voting on.

ATTORNEY MARTOCCIO: Again, ideally, if I were to summarize this entire argument to make it very simple. The town has already permitted and already approved the picnic tables. They are there. Everyone agrees they are there. Some may like them and some may not. But anyway, we all know they're there.

All we're seeking now is to cover them and cover them in a practical and aesthetically pleasing manner. It's going to accomplish the safety factor. It's going to accomplish a variety of other things that we've already - I don't want to take any more of your time with.

Again, as I said to you, the size factor, if that is a sticking point between approving and not approving, I absolutely have no objection, my client has given me authority, if necessary, to reduce

the size. Clearly we prefer not to for a variety of reasons, most notably because it fits into that footprint that we already have.

But we are willing to do whatever we have to do to make it not only look good and make the business successful but to make sure that the people of the town most notably this board are happy with the way and how it's being done.

If I could just turn it over to Kratzert & Jones for a moment. I think he has a point to make in that regard.

SEV BOVINO: Good evening, Sev Bovino, Planner with Kratzert, Jones & Associates. I'd just to make a point from a planning standpoint.

I know that the commission, this commission looks at nonconformities to be eliminated eventually. I know that is your goal. But for years, nonconformities have served the community very well in many parts of town. You look at some of the convenience stores located like on Berlin Avenue, like this particular restaurant and other areas, and the way the world is changing now, the planning thinking is also changing.

These types of facilities have a good use for the neighborhood. For the neighborhood that the residential community that you are so concerned to protect.

By the fact that we're showing you that structurally there are not going to be intrusive and actually it's going to be an improvement, I just offer to you this thought that in the future looking forward years from now, we should be looking at retaining these nonconformities instead of destroying them because they serve a very good purpose for the community.

Thank you.

THE CHAIR: Are you all set with your presentation?

ATTORNEY MARTOCCIO: I think we are now. Thank you.

THE CHAIR: Anyone to speak in favor of the applicant?

LAURA MANCINI: I live at 7 Carter Heights in Plantsville. I've been patrons of their restaurants for a while now. What they're doing to it is beautiful. They're going to do a nice job.

There is an issue though on the intersection down by Dunkin Donuts, there is a house, if you're going down towards Dunkin Donuts, the very last house before the gas station, has a big pavilion behind their house. You guys gave them permission. I don't understand it. And, that is a residential area.

You also have Lewis Farms. It's a business. They have them.

THE CHAIR: Where you're going is, these are grandfathered in. These places.

MS. MANCINI: Understandable. But everything comes to a point where you've got to change with the flow. There's new times, new seasons, there's a reason for everything.

I have young children. If I had a choice to sit in the rain in the car or sit outside under a pavilion, I'd want them outside under a pavilion. I don't want to sit in a car and eat with them.

It's going to be a quick hot dog stand and that's what you want to do. So I just feel that you should allow it. That's all.

THE CHAIR: Anyone else speaking in favor of the applicant?

(No response)

Anyone opposing the applicant?

(No response)

If not, this appeal is closed.

B. Appeal 5710A, application of John DelSanto for variances to add a second level to an existing home, add 2 feet to a previously approved addition & add 2 feet to a previously approved front porch under Section 7A-00 & 15-04 of the Zoning Regulations, 50 Birchcrest Drive in an R-12 zone.

MR. VINCI: Please state your name and address for the record?

JOHN DELSANTO: Good evening. John DelSanto, 50 Birchcrest Drive.

As Frank said, I'd like to put up a second floor and go back two extra feet towards the back of the house for the approved thing that I got last time I was here for the variance.

THE CHAIR: Frank, did he get approval for ten feet going back?

MR. VINCI: Yes. If you look at the plot plan that's in front of you, I highlighted where the second level would be. It would be towards the front to the middle of the house.

And, in the back, you say the gray area there? That was a previously approved addition. He had a 10 foot by 40 - I think it's 46 feet, the length of the back of the house. He wants to extend two feet beyond that. That's the red line towards the back there.

THE CHAIR: Let me ask you a question, Frank. This, as you go to the left, okay, the porch is an enclosed porch there, okay?

MR. VINCI: Right.

THE CHAIR: Now, is that porch still going to remain there? Are you closing that off?

MR. DELSANTO: The porch that's there right now?

THE CHAIR: The porch that's there now.

MR. DELSANTO: That's going to be knocked down.

THE CHAIR: So you are talking about going up two stories. Two stories now you are talking about.

MR. DELSANTO: Sixteen foot wide by 46. Two bedrooms upstairs.

THE CHAIR: That's the addition.

MR. DELSANTO: Yah.

(Pause)

THE CHAIR: Well, Pondview and all them houses up there, they're all like small capes and small ranches. It's a quaint neighborhood.

And what you've got here is you're doubling the size.

(Pause)

MR. SALKA: So the existing deck and the existing porch, they're going to go away and it's going to be just a solid structure, two stories high.

THE CHAIR: Two stories.

MR. DELSANTO: Yah, but not as wide as the whole house. Just sixteen foot wide.

MR. SALKA: Yah but, right now where you've got 11 foot on the left-hand side of your home now, it's going to remain 11 foot 5. Except it's going to be enclosed and it's going to be two stories tall.

MR. DELSANTO: Yah.

MR. VINCI: Part of it.

MR. DELSANTO: Part of it.

MR. VINCI: You can see where the yellow highlight is? That part of it will be a second level. And, the remainder will be one level. Correct?

MR. DELSANTO: Yes.

THE CHAIR: It's huge.

MR. SALKA: For that area.

THE CHAIR: Yah. That's what I'm looking at.

Just give me a minute here. Okay?

(Pause)

What's the second door? You've got two doors in the front here. Near the porch?

You're showing me two doors in the front, right?

MR. DELSANTO: Yah, I got, that's the way it is set up right now.

THE CHAIR: Right, now you're going above it, above the roofline. I see that, yah.

But you're going to close; you are talking about even closing that --- you are not going to have that anymore? That open porch? Am I right?

MR. DELSANTO: I don't have an open porch there now.

THE CHAIR: Or, I mean closed porch.

MR. DELSANTO: Right. That's going to be part of the new addition. I'm going to -

THE CHAIR: The new construction, yah.

MR. DELSANTO: There will be a foundation under it which there isn't right now.

THE CHAIR: Okay, questions for the applicant?

MR. SALKKA: I think it is excessive for the area of what he's trying to do. We already gave him one variance and now he is going above and beyond that for a second one which is really much larger and I'm not sure it really fits in with the area. As you said, most of the homes are pretty small capes.

MR. DELSANTO: There is a house at the corner of Pondview and Lawncrest, that was a ranch and they made a raised ranch out of it, the whole width of the house. And, that just happened like within a year and a half ago. I mean, that house is huge. I am just asking for a 16 foot wide.

MR. VINCI: It's possible; some of these houses meet the zoning as far as setback in the front and on the side. So if they do meet the setbacks, then they could put a level up without any variances required.

THE CHAIR: What you do is, right now you have reasonable use of your property, okay? Now what I gather is your family got older and so you want to build the house bigger for them.

MR. DELSANTO: Yup.

THE CHAIR: What it is is you outgrew your home, the home you're in right now, it seems like. That's why you're adding on. You want to add on.

MR. DELSANTO: I'd like to stay where I am.

THE CHAIR: Any more questions for the applicant?

(No response)

Have you finished your presentation?

MR. DELSANTO: Yes.

THE CHAIR: Okay, thank you.

Anyone here to speak in favor of the applicant?

(No response)

Anyone here opposing the applicant?

(No response)

If not, this appeal is closed.

C. Appeal 5711A, application of UNICO Italian Festival Committee for special exception to host their annual Italian Festival on July 24-26, 2009 under Section 4-01.31 & 15-05 of the Zoning Regulations, lower Center Street area, property of Town of Southington & others in a CB & I-2 zone.

MR. VINCI: Will the applicant or the applicant's representative please state your name and address for the record?

ATTORNEY MECCARIELLO: Good evening, Mr. Chairman and board members, Bryan Meccariello, 142 North Main Street, Southington, CT.

I was here a year ago tomorrow regarding our 4<sup>th</sup> Annual event. Seeking the same special exception. And, as Frank mentioned and you all have before you, the site plan, if you will, hasn't changed. We still have the same number vendors, same number of booths.

We have the carnival coming back. We have the stage for the entertainment.

I did make a comment last year that we were hoping that the Meridian Project wasn't going through fast, any faster than it was. And, I 'm here a year later and it's in the same condition.

So maybe next year we'll be back with the same request, same location.

The event has the same hours although the dates of changed. It's July 24<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup>. That's Friday, Saturday, Sunday. Five o'clock to 11 o'clock on Friday. Twelve noon to 11:00 pm on Saturday. We close it out at 10:00 am to 8:00 pm on Sunday.

June 3<sup>rd</sup>, this past Wednesday, last Wednesday, sorry, we received the parking authority approval for the North Liberty Lot as we did last year. That lot is for handicapped and vendor pick up and drop off.

I mentioned last year we don't charge for parking. Parking although is a premium, people find parking and they walk to the event. It's very successful.

But the size of it isn't growing. Maybe the people visiting is growing but the size of it still is staying the same. We're very fortunate to have an event in town --- it doesn't rival the Apple Harvest but, it's a close second.

Happy to answer any questions. I did look at last year's approval and the conditions. All eight, we have no problem with staying with the same conditions. The only thing I can add is I did speak with Mark Sciota, the Town Attorney, regarding the insurance certificate and he'd just like to change that condition to say that

subject to the approval of the Town Attorney. I think it had the Town Manager last year.

THE CHAIR: I think we've got nine conditions here.

ATTORNEY MECCARIELLO: Are there nine? Okay.

THE CHAIR: So, if this board did approve it, you would agree to the nine conditions?

ATTORNEY MECCARIELLO: The ninth is the hours, yes. Staying the same hours.

MR. SALKA: And, the one with no alcohol, that's still valid, correct?

ATTORNEY MECCARIELLO: Yup. The only thing I can say is the section; there are some businesses that are open. The Groggy Frog opens. We don't control how they dispense alcohol, obviously.

As well as Sons of Italy is open. It's a club. They have their own regulations and rules to get in.

So other than that, we don't have any alcohol sales. We don't permit alcohol.

THE CHAIR: Any questions for the applicant?

MR. SALKA: They do a nice job. I have no questions.

THE CHAIR: Anyone here to speak in favor of the applicant?

(No response)

Any one here opposing the applicant?

(No response)

If not, this appeal is closed.

ATTORNEY MECCARIELLO: Thank you. Have a good night.

7:42 pm.

REGULAR MEETING

JOSEPH LAPORTE, Chairman, presiding:

Approval of Minutes - Regular meeting of May 27, 2009

Mr. Salka made a motion to approve the Minutes of the May 27<sup>th</sup> meeting. Mr. Bedard seconded. Motion passed unanimously on a voice vote.

NEW BUSINESS:

A. Appeal 5709A, application of Guri Redzepi for a variance to expand an existing non-conforming use (former Jimmy's Drive-In Restaurant) in excess of 25% with the addition of a 30 x 60 foot (1800 sq.ft.) pavilion under Section 11-029.1 & 15-04 of the Zoning Regulations, 1244 Meriden Avenue, property of Natra Properties, LLC in an R-0/25 zone.

Mr. Salka made a motion to approve Appeal 5709A. Mr. Bedard seconded.

Ms. Potter said she thought it would help. It's an eyesore now. I can't see how it could hurt it. I understand, but they are willing to make concessions to make it smaller.

The Chair pointed out, we are voting what is in front of us.

Mr. Salka said that he thought the issue really is what is the responsibility of this board? This board typically does not continue to approve nonconforming. We like to get less nonconforming, number one.

And, number two is, there's already been two modifications to something that's nonconforming.

And, I do agree with Sev at some point in time but right now we are under these zoning regulations that we're following and as we've noted on a number of occasions, we're a tweaking board. We're not a major rewrite to zoning regulations.

And, this is a big change to the zoning regulations. Whether it's 30 by 60 or 20 by 40.

Yes, it would make it look good. They can still do a lot with it. They can still make the walk -

Ms. Potter interjected: Didn't we okay a pavilion up on West Street? And, they closed it in? The restaurant up on West Street?

Mr. Salka again said we are voting on this one.

Ms. Potter responded: I'm asking you. Did we okay a pavilion? I'm just asking. I am not asking on what I'm voting on, I am asking you.

Mr. Salka responded he didn't know what happened with that one. I know it went from being an open patio to something. But we are voting on this particular application.

And, continued Mr. Salka, I do think that it would make it look better, but the point is, what is this board's responsibility? It is not to continue to expand a nonconforming use under the current zoning regulations.

The Chair added it is this board's desire to lessen the nonconforming use and conform to the town regulations. That's what this board is all about.

Ms. Potter pointed out with the economy the way it is, you are also offering jobs, you're offering a business to stay. It's kind of hard to do business when everybody else around you, because you're a nonconforming use, but everybody else around you is able to do it. Know what I'm saying?

The Chair said a new buyer or owner knows what he's getting involved in. It looks like to me he wants to get more out of it. But he knows what he has got there. Now he's asking us to expand the nonconforming use. Which to me that's going the other way than what this board is all about.

Roll Call:	Salka:	No
	Kuklinski:	No
	Potter:	Yes
	Bedard:	No
	LaPorte:	No

(Motion fails)

B. Appeal 5710A, application of John DelSanto for variances to add a second level to an existing home, add 2 feet to a previously approved addition & add 2 feet to a previously approved front porch

under Section 7A-00 & 15-04 of the Zoning Regulations, 50 Birchcrest Drive in an R-12 zone.

Mr. Salka made a motion to approve Appeal 5710A. Mr. Bedard seconded.

Mr. Bedard stated he felt it was out of character with the rest of the neighborhood. You're looking at a very large expansion when you're increasing what we've already approved on the first floor as well as adding that amount of square footage to the second floor. I think it's completely changing the character of the house to not be with the character of the rest of the neighborhood.

The Chair agreed.

Roll Call:	Salka:	No
	Kuklinski:	No
	Potter:	No
	Bedard:	No
	LaPorte:	No

(Motion fails)

C. Appeal 5711A, application of UNICO Italian Festival Committee for special exception to host their annual Italian Festival on July 24-26, 2009 under Section 4-01.31 & 15-05 of the Zoning Regulations, lower Center Street area, property of Town of Southington & others in a CB & I-2 zone.

Mr. Salka made a motion to approve Appeal 5711A with the nine stipulations as well as the change from the Town Manager to the Town Attorney for the filing of the liability certificate. Mr. Bedard seconded.

Mr. Bedard said it's a great festival.

Mr. Salka and Ms. Potter commented it's the same as last year.

(Motion passed 5 to 0 on a roll call vote.)

## MISCELLANEOUS / OLD BUSINESS / NEW BUSINESS

Mr. Vinci noted Peter Veroneau is here. He's representing the Farmer's Market and he has a couple of requests for the board.

Mr. Vinci said it is twofold. The sign that they were going to put out there, it's going to be the same size and the same location as we required, but they want to have it up for the duration of the activity. So it would go up, if you approve it, right after they receive their approval and stay up through the end of October.

Mr. Veroneau said he misrepresented the sign. The state has a sign that they put up at all the Farmer's Markets. They provide it. And, I thought it was only up the day of the event. So that's what I said.

It's not up the day of the event. They want it to be up through the event. So I asked the owner of the property and he has no problem with it, at all.

It would be the same sign, just permanent looking. It's not lit.

The Chair brought up the second point, the chef.

Mr. Veroneau said at the other Farmer Market's they have a baker as one of the people selling stuff and they usually have a chef. They rotate in different chefs from different restaurants in the town they happen to be in. The chef cooks that day. They provide him with vegetables to cook and he cooks and gives out samples of the food that they cook and that also advertises their restaurant.

Kess's Restaurant is interested in doing it. You rotate in different chefs.

Those two things, I want to make sure it's clear. I was in talking to the health director and he said I need to make sure that that part of it is okay with whoever it needs to be okay with.

It's okay with him as long as they come in and pay their fee and get their permit.

There is a picture showing the sign. It is 10 feet back from the sidewalk which is the code and it's perpendicular to South Main because the sign is on both sides.

The sign's purpose is advertising. It's a nice wooden sign. Not lit.

After discussion, a consensus of board was given that it is okay.

Hearing no further business, Mr. Salka made a motion to adjourn which was seconded by Ms. Potter. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:52 o'clock, p.m.\_

Joseph LaPorte, Chairman  
Zoning Board of Appeals